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Message Text

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ACTION ARA-14

INFO OCT-01 EUR-12 ISO-00 SCS-06 CA-01 L-03 H-01 HA-05
CIAE-00 INR-10 NSAE-00 JUSE-00 SY-05 PA-01 USIE-00
SS-15 NSCE-00 SP-02 PPT-01 SSO-00 INRE-00 /077 W
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O 132314Z MAR 78
FM USINT HAVANA
TO SECSTATE WASHDC NIACT IMMEDIATE 1370
AMEMBASSY KINGSTON NIACT IMMEDIATE
DIR FBI WASHDC NIACT IMMEDIATE
INFO AMEMBASSY OTTAWA IMMEDIATE
AMCONSUL MONTREAL IMMEDIATE

C O N F I D E N T I A L HAVANA 0653

DEPT FOR ARA/CCA

EO 11652: GDS
TAGS: CASC CPAS CGEN ASEC PINS CU CA JM

REF: HAVANA 0650 AND PREVIOUS

1. I WAS CALLED TO FOREIGN OFFICE THIS AFTERNOON, MARCH 13, BY LUIS GARCIA, DIRECTOR FOR NORTH AMERICAN AFFAIRS. GARCIA EXPRESSED CHARGRIN AND EMBARRASSMENT OF GOC OVER ABORTED MOVEMENT OF AMCIT FUGITIVES ON AIR CANADA FLIGHT LAST WEEK. HE CITED SPECIFICALLY THE BLATANT APPEARANCE OF CANADIAN SECURITY OFFICERS ABOARD AIRCRAFT, THE ATTEMPTED USE OF HANDCUFF, AND THE PUBLICITY SUBSEQUENTLY GENERATED IN CANADA AND THE U.S. WHICH CLEARLY IMPLIED THAT CUBA WAS ABOUT TO TURN THESE FUGITIVES OVER TO THE US. IN THIS CONNECTION HE ALSO MENTIONED ONE REPORT ATTRIBUTED TO AN FBI OFFICIAL WHO ALLEGEDLY STATED THAT THE FUGITIVES WERE VIRTUALLY ON THEIR WAY TO THE US.

2. GARCIA CAREFULLY WENT OVER THE GROUND RULES AS TO CONDITIONS UNDER WHICH CUBA WILL PERMIT THESE FUGITIVES
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TO LEAVE. IN SO DOING HE REITERATED THAT CUBA WANTS THEM TO LEAVE, UNDERSTANDS THAT THEY WISH TO GO VOLUNTARILY TO THE US TO FACE JUSTICE, BUT THAT GOC MUST INSIST ON ARRANGEMENTS WHICH DO NOT APPEAR SO OBVIOUSLY LIKE COLLUSION BETWEEN CUBAN AND US AUTHORITIES. GARCIA THEREFORE SPECIFIED THE FOLLOWING:
A) DEPARTURE CANNOT NOW BE TO CANADA. ANY OTHER THIRD

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COUNTRY WILL DO, INCLUDING MEXICO AND JAMAICA.
B) THERE MUST BE NO REPETITION OF OBVIOUS FOREIGN SECURITY OFFICERS' PRESENCE ABOARD AIRCRAFT (AND PRESUMABLY NO HANDCUFFS).
C) TO MAINTAIN APPEARANCE OF A FULLY VOLUNTARY MOVEMENT ON PART OF THE FUGITIVES, AS WELL AS TO VALIDATE THEIR DEPARTURE FROM CUBA TO A THIRD COUNTRY (RATHER THAN THE US), FUGITIVES MUST BE LEGALLY AND FREELY ADMITTED TO THAT COUNTRY FOR AT LEAST SEVERAL HOURS, IF NOT A FEW DAYS. THEY ARE NOT TO BE REQUIRED TO REMAIN ABOARD THE AIRCRAFT OR TO BE HELD IN OBVIOUS CUSTODY ELSEWHERE BETWEEN PLANES. THE CUBAN CONCEPT IS THAT THEY ARE TECHNICALLY FREE TO CHANGE THEIR MINDS.

3. COMMENT: I REALIZE THAT THESE NEW CONDITIONS WILL CAUSE, CONCERN AND PROBLEMS FOR US LAW ENFORCEMENT AGENCIES.HOWEVER, IF WE WISH TO MOVE THESE MEN IN THE NEAR FUTURE AND TO AVOID EVEN STRONGER GOC REACTION THEREAFTER WHICH COULD COMPLICATE OUR EFFORTS IN OTHER CASES, I BELIEVE THAT WE MUST MAKE SERIOUS EFFORT TO COMPLY WITH CUBAN CONDITIONS. IN ANY CASE, IT IS CLEAR THAT I MUST GO BACK TO THE MINISTRY WITH A CLEAR EXPOSITION OF ANY NEW ARRANGEMENTS WHICH ARE WORKED OUT BEFORE DEPARTURE OF FUGITIVES WILL AGAIN BE AUTHORIZED.

4. MY RECOMMENDATION IS THAT THESE MATTERS BE THOROUGHLY DISCUSSED WITH THE JAMAICAN AUTHORITIES IN ORDER TO WORK
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OUT A SUITABLE SCENARIO IN KINGSTON. THIS COULD PRESUMABLY INCLUDE SURVEILLANCE BUT NO PHYSICAL APPREHENSION OF FUGITIVIES BY JAMAICAN IMMIGRATION AND POLICE AUTHORITIES DURING THEIR STAY IN KINGSTON. BEST BET WOULD SEEM TO BE TO PUT FUGITIVES IN APPROPRIATE LOCAL HOTEL DURING THEIR STAY.

5. ALTHOUGH IT IS, OF COURSE, IMPOSSIBLE TO PROVIDE GUARANTEES, IT IS OUR JUDGMENT BASED ON CONSUL'S CLOSE AND EXTENDED CONTACT WITH THESE FUGITIVES DURING SEVERAL MONTHS, THAT THEY WILL NOT BOLT AND RUN, OR OTHERWISE CAUSE SERIOUS DIFFICULTIES ENROUTE HOME TO US. THEY APPEAR TO BE AT LEAST RESIGNED AND IN MOST CASES ANXIOUS TO RETURN TO THE US NOW TO FACE JUSTICE.

6. CUBANA HAS JUST CONFIRMED SIX RESERVATIONS FOR THESE MEN FOR THURSDAY FLIGHT, MARCH 16. I REALIZE THAT MAY NOT ALLOW ENOUGH TIME FOR DEPARTMENT AND AMEMBASSY KINGSTON TO WORK OUT THE ARRANGEMENTS AND PERMIT ME TO GET BACK TO MINISTRY FOR APPROVAL OF DEPARTURE. FOLLOWING CUBANA FLIGHT TO KINGSTON IS NOT UNTIL TUESDAY, MARCH 21. IN ANY CASE, I THINK OUR EXPERIENCE TO DATE PLUS ABOVE CUBAN REACTION MAKES IT CLEAR THAT WE SHOULD RELY ON SCHEDULED CUBANA

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AIRLINES TRANSPORTATION TO ANY THIRD COUNTRY SELECTED.
ANY SPECIAL CHARTER FLIGHT FROM HERE WOULD INCREASE PROBLEMS OF
SECURITY AND FEED THE IMPRESSION THAT WE HAVE MADE A
SPECIAL DEALWITH GOC TO RETURN FUGITIVES TOUS.

7. FINALLY, EVERY EFFORT SHOULD BE MADE TO AVOID PUBLICITY
ABOUT THIS MOVEMENT, ESPECIALLY PUBLICITY WHICH LINKS CUBA
WITH FUGITIVES' RETURN TO US. THIS IS ESPECIALLY IMPORTANT
WITH RESPECT TO STATEMENTS BY USG OFFICIALS AND VOA.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT REACTIONS, PASSENGER TRANSPORTATION, FUGITIVES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978HAVANA00653
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780112-0291
Format: TEL
From: HAVANA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780377/aaaacmse.tel
Line Count: 125
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a45374c8-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 HAVANA 650
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3355267
Secure: OPEN
Status: NATIVE
Subject: CUBANS PROTEST MOVEMENT OF AMCIT FUGITIVES
TAGS: CASC, CPAS, CGEN, ASEC, PINS, CU, CA, JM, US
To: STATE KINGSTON
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/a45374c8-c288-dd11-92da-001cc4696bcc
Review Markings:
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Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014